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Draft: July 16, 2019

**GROUND WATER QUALITY BUREAU (GWQB)
DISCHARGE PERMIT RENEWAL
Issued under 20.6.2 NMAC**

Facility Name: Gandy-Marley Inc.
GWQB Discharge Permit Number: DP-1041
GWQB TEMPO AI Number: 3066

Permittee Name/Responsible Party: Larry Gandy
Mailing Address: P.O. Box 1658
Roswell, NM 88202

Facility Contact: Richard Johnson
Facility Contact Telephone Number: (575) 347-0434
Facility Location: Off NM Hwy 380
40 miles east of Roswell, NM

County: Chavez County

Permitting Action: Renewal

Permit Effective Date: XXXXXX
Permit Expiration Date: XXXXXX

NMED Permit Contact: Avery Young
NMED Contact Telephone Number: (505) 827-2909
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MICHELLE HUNTER
Chief, Ground Water Quality Bureau
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Date

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	FINDINGS	2
III.	AUTHORIZATION TO DISCHARGE	3
IV.	CONDITIONS	4
A.	OPERATIONAL PLAN	4
	Domestic Septage Operating Conditions	5
	Domestic Wastewater Treatment Plant Sludge Operating Conditions	6
	Grease Trap/Interceptor Waste Operating Conditions	6
	Vehicle/Equipment Grit Trap Waste Operating Conditions	7
	Hydrocarbon Landfarm Operating Conditions	9
B.	MONITORING AND REPORTING	11
	Due Dates for Monitoring Reports	11
	Monitoring and Reporting- Domestic Septage	12
	Monitoring and Reporting- Domestic Wastewater Treatment Plant Sludge	12
	Monitoring and Reporting- Grease Trap/Interceptor Waste	13
	Monitoring and Reporting- Vehicle/Equipment Grit Trap Waste	14
	Monitoring and Reporting- Hydrocarbon Landfarm	15
C.	CONTINGENCY PLAN	16
D.	CLOSURE PLAN	18
E.	GENERAL TERMS AND CONDITIONS	21

GROUND WATER DISCHARGE PERMIT RENEWAL
Gandy-Marley Inc., DP-1041

I. INTRODUCTION

The New Mexico Environment Department (NMED) issues this Discharge Permit Renewal (Discharge Permit), DP-1041, to Larry Gandy (permittee) pursuant to the New Mexico Water Quality Act (WQA), NMSA 1978 §§74-6-1 through 74-6-17, and the New Mexico Water Quality Control Commission (WQCC) Ground and Surface Water Protection Regulations, 20.6.2 NMAC.

NMED's purpose in issuing this Discharge Permit, and in imposing the requirements and conditions specified herein, is to control the discharge of water contaminants from Gandy-Marley Inc. (facility), a waste processing and surface disposal facility, in order to protect ground water and those segments of surface water gaining from ground water inflow for present and potential future use as domestic and agricultural water supply and other uses, and to protect public health.. In issuing this Discharge Permit, NMED has determined that the requirements of Subsection C of 20.6.2.3109 NMAC have been met. Pursuant to Section 20.6.2.3104 NMAC, it is the responsibility of the permittee to comply with the terms and conditions of this Discharge Permit; failure may result in an enforcement action(s) by NMED (20.6.2.1220 NMAC).

The activities that produce the discharge, the location of the discharge, and the quality and of the discharge are briefly described as follows.

Domestic septage, domestic wastewater treatment facility sludge, grease trap/interceptor waste, and hydrocarbon-contaminated soil are processed and discharged at the facility onto the land surface, which has an area of 179 acres. Vehicle/equipment grit trap waste is authorized by this Discharge Permit to be processed and discharged but to-date has not been accepted at the facility.

The discharge contains water contaminants that may be elevated above the standards of Section 20.6.2.3103 NMAC.

The facility is located approximately 40 miles east of Roswell off NM Highway 380, one mile south of Waldrop Highway Park, in Sections 8 and 9 of Township 11S, Range 31E, Chavez County. Groundwater most likely to be affected is at a depth of approximately 122 feet and has a total dissolved solids concentration of approximately 8,970 milligrams per liter.

The original Discharge Permit was issued on March 24, 1995, was subsequently modified on February 14, 1997, renewed and modified on August 24, 2000, and renewed on November 21, 2011. The application (i.e., discharge plan) consists of the materials submitted by the permittee dated April 25, 2016, and materials contained in the administrative record prior to issuance of this Discharge Permit. The discharge shall be managed in accordance with all conditions and requirements of this Discharge Permit.

Pursuant to Section 20.6.2.3109 NMAC, NMED reserves the right to require a Discharge Permit Modification in the event NMED determines that the requirements of 20.6.2 NMAC are being or may be violated or the standards of Section 20.6.2.3103 NMAC are being or may be violated. This

may include a determination that structural controls and/or management practices approved under this Discharge Permit are not protective of groundwater quality, and that more stringent requirements to protect groundwater quality may be required by NMED. The permittee may be required to implement abatement of water pollution and remediate groundwater quality.

Issuance of this Discharge Permit does not relieve the permittee of the responsibility to comply with the WQA, WQCC Regulations, and any other applicable federal, state and/or local laws and regulations, such as zoning requirements and nuisance ordinances.

The following acronyms and abbreviations may be used in this Discharge Permit.

Abbreviation	Explanation	Abbreviation	Explanation
CFR	Code of Federal Regulations	NMSA	New Mexico Statutes Annotated
CFU	Colony Forming Unit	NO ₃ -N	nitrate-nitrogen
Cl	chloride	NTU	nephelometric turbidity units
EPA	United States Environmental Protection Agency	SDDS	Surface Disposal Data Sheet
gpd	gallons per day	TDS	total dissolved solids
LAA	land application area	TKN	total Kjeldahl nitrogen
LADS	land application data sheet(s)	total nitrogen	= TKN + NO ₃ -N
mg/L	milligrams per liter	TRC	total residual chlorine
mL	milliliters	TSS	total suspended solids
MPN	Most Probable Number	WQA	New Mexico Water Quality Act
NMAC	New Mexico Administrative Code	WQCC	Water Quality Control Commission
NMED	New Mexico Environment Department	WWTF	Wastewater Treatment Facility

II. FINDINGS

In issuing this Discharge Permit, NMED finds the following.

1. The permittee is discharging effluent or leachate at the facility so that such effluent or leachate may move directly or indirectly into groundwater within the meaning of Section 20.6.2.3104 NMAC.
2. The permittee is discharging effluent or leachate at the facility so that such effluent or leachate may move into groundwater of the State of New Mexico that has an existing concentration of 10,000 mg/L or less of TDS within the meaning of Subsection A of 20.6.2.3101 NMAC.
3. The discharge at the facility is not subject to any of the exemptions of Section 20.6.2.3105 NMAC.

III. AUTHORIZATION TO DISCHARGE

Pursuant to 20.6.2.3104 NMAC, it is the responsibility of the permittee to ensure that discharges authorized by this Discharge Permit are consistent with the terms and conditions herein.

- Domestic Septage – The permittee is authorized to discharge up to 600,000 gallons per year, or an average of 50,000 gallons per month, of domestic septage (including portable toilet waste) to two surface disposal cells totaling 7.74 acres.
- Domestic Sludge - The permittee is authorized to discharge up to 60,000 gallons per year, or an average of 5,000 gallons per month, of liquid, semi-solid, and solid domestic wastewater treatment facility sludge to a newly constructed surface disposal cell that has previously not accepted any other waste.
- Grease Trap/Interceptor Waste – The permittee is authorized to discharge up to 1,800,000 gallons per year, or an average of 150,000 gallons per month, of the aqueous portion of grease trap/interceptor waste to three surface disposal cells totaling 19.75 acres on a rotational basis. If the aqueous portion has not been separated upon receipt at the facility, the waste is first discharged to a separator.
- Hydrocarbon-Contaminated Soil and Water – The permittee is authorized to discharge up to an average of 10,000 cubic yards per month, calculated on an annual basis, of non-hazardous hydrocarbon-contaminated soil to nine surface remediation cells totaling 47.45 acres. The permittee is also authorized to discharge up to 52,800 gallons per month of non-hazardous hydrocarbon-contaminated water to enhance bioremediation of hydrocarbon-contaminated soils by distributing the wastewater over the remediation cells, and to store up to 21,000 gallons for later use or disposal by evaporation. The soils and liquids are contaminated with gasoline, diesel fuel, and/or waste oil from leaking underground storage tanks and/or spills/leaks/discharges of similar petroleum hydrocarbons from a variety of commercial and industrial sources.
- Vehicle/Equipment Grit Trap Waste - The permittee is authorized to dewater up to 60,000 gallons per year, or an average of 5,000 gallons per month, of vehicle/equipment grit trap waste on an impervious containment structure and to discharge the decanted liquid to a lined evaporative impoundment for disposal.

No other waste types may be received at the facility or remediated in the cells.

[20.6.2.3104 NMAC, Subsection C of 20.6.2.3109 NMAC]

IV. CONDITIONS

NMED issues this Discharge Permit for the discharge of water contaminants subject to the following conditions.

A. OPERATIONAL PLAN

#	Terms and Conditions
1.	<p>The permittee shall implement the following operational plan to ensure compliance with Title 20, Chapter 6, Parts 2 and 4 NMAC.</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>
2.	<p>The permittee shall operate in a manner such that standards and requirements of Sections 20.6.2.3101 and 20.6.2.3103 NMAC are not violated.</p> <p>[20.6.2.3101 NMAC, 20.6.2.3103 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
3.	<p>To prevent run-on and run-off from a storm event, the permittee shall maintain earthen berms surrounding the perimeter of the facility and in between disposal cells that are a minimum of 24 inches above natural grade. The berms shall be inspected on a regular basis and after any major rainfall event and repaired as necessary. In place of a berm across the facility entrance, the permittee shall construct and maintain shallow (minimum depth of six inches) stormwater diversion trenches parallel to and on each side of the facility entrance gate. All berms and trenches shall be maintained until termination of the permit and the closure conditions have been met.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
4.	<p>The permittee shall maintain fences around the entire disposal facility to restrict access. A minimum of a three-strand barbed wire fence including a locked gate shall surround the facility.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>
5.	<p>The permittee shall maintain the following signs at the following locations:</p> <ul style="list-style-type: none"> • Signs posted at the facility entrance and every 500 feet along the facility boundary that state: "Notice: Waste Disposal Area - KEEP OUT" and "Aviso: Área de Disposición - NO ENTRAR". • A sign posted at the entrance gate with the name of the facility's contact person, office phone number of the contact person, emergency contact phone number for the facility, and physical location of the facility including township, range, and sections. • A sign on each tank identifying its contents. Signs on tanks containing contaminated water shall indicate in English and Spanish that the water is not potable.

#	Terms and Conditions
	<ul style="list-style-type: none">• A sign at the boundary of each cell to identify the cell number and the waste type authorized to be discharged in the cell. <p>All signs shall be weatherproof and legible.</p> <p>[NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC]</p>
6.	<p>The permittee shall not accept hazardous waste at the facility. Any waste reasonably suspected of containing hazardous waste, due to its origin, characteristics or other known factors, shall be analyzed using EPA Method 1311, Toxicity Characteristics Leaching Procedure (TCLP) in accordance with 40 CFR §261.24. Any waste that does not pass the test shall be rejected and returned to the waste generator.</p> <p>[20.6.2.10 NMAC]</p>
7.	<p>The permittee shall not combine different waste types. The permittee shall dispose of waste in separate cells that receive only a single designated waste type.</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>
8.	<p>The permittee shall inspect the facility weekly and collect any residual solid waste (trash) on the facility site. The collected materials shall be disposed of in a manner consistent with all local, state and federal regulations.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections B and C of 20.6.2.3109 NMAC]</p>
9.	<p>The permittee shall not discharge liquid wastes during periods of precipitation or when surface soils are frozen or saturated. Wastes may be stored on-site in tanker trucks during these periods.</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>

Domestic Septage

#	Terms and Conditions
10.	<p>The permittee shall incorporate domestic septage (including portable toilet waste) into the soil by disking within six hours following surface disposal. Ponding of septage shall be minimized. Treatment and disposal of domestic septage shall be in accordance with requirements set forth in 40 CFR Part 503.</p> <p>[Subsections B and C 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D, 40 CFR 503]</p>

#	Terms and Conditions
11.	<p>The permittee shall discharge domestic septage to the disposal cells such that the amount of total nitrogen discharged does not exceed 200 pounds per acre in any 12-month period. Septage shall be distributed evenly throughout the entire disposal area.</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>

Domestic Wastewater Treatment Plant Sludge

#	Terms and Conditions
12.	<p>The permittee shall apply liquid, semi-solid and solid domestic wastewater treatment facility sludge to one surface disposal cell totaling 4 acres. The sludge shall be evenly distributed throughout the cell. Ponding of liquid sludge shall be minimized. Treatment, storage and disposal of sludge shall be in accordance with requirements set forth in 40 CFR Part 503.</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>
13.	<p>The permittee shall discharge domestic wastewater treatment facility sludge to the disposal cells such that the amount of total nitrogen discharged does not exceed 200 pounds per acre in any 12-month period. Domestic wastewater treatment facility sludge shall be distributed evenly throughout the entire disposal area.</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>

Grease Trap/Interceptor Waste

#	Terms and Conditions
14.	<p>The permittee shall discharge only the aqueous portion of the grease trap/interceptor waste that has been processed to achieve at least 90% separation of grease, oil, and solids from the aqueous portion. The permittee shall apply the aqueous portion of the grease trap/interceptor waste to five dedicated disposal cells totaling 19.75 acres. The aqueous waste shall be incorporated into the soil by disking before the end of each operating day. Ponding of the liquid waste in the disposal cells shall be minimized.</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>
15.	<p>The separated non-aqueous portion of grease trap/interceptor waste may be temporarily stored at the facility prior to disposal. While in temporary storage, the waste shall be contained within the separator. The permittee shall dispose of the separated non-aqueous portion of the grease trap/interceptor waste at an off-site location in accordance with all local, state, and federal regulations. The permittee shall dispose of the waste when the</p>

#	Terms and Conditions
	solids accumulation is within six-inches of the bottom of the separator screen. [Subsection C of 20.6.2.3109 NMAC]
16.	The permittee shall discharge the aqueous portion of grease trap/interceptor waste to the disposal cells such that the amount of total nitrogen discharged does not exceed 200 pounds per acre in any 12-month period. The aqueous portion of grease trap/interceptor waste shall be distributed evenly throughout the entire disposal area. [Subsection C of 20.6.2.3109 NMAC]

Vehicle/Equipment Grit Trap Waste

#	Terms and Conditions
17.	<p>A minimum of 90 days prior to construction of the dewatering and evaporative system for vehicle/equipment grit trap waste, the permittee shall submit final construction plans and specifications for the proposed facility to NMED for approval. The construction plans and specifications shall bear the seal and signature of a licensed New Mexico professional engineer (pursuant to New Mexico Engineering and Surveying Practice Act and the rules promulgated under that authority) and supporting design calculations, and shall be submitted for review by NMED. The submitted documentation shall include the following elements.</p> <ul style="list-style-type: none"> a) Details for the impervious containment structure for dewatering the waste and for temporary storage of the dewatered portion of the waste. b) Details for the construction of a concrete, steel, or synthetically-lined evaporative impoundment. If the impoundment is to be synthetically lined, construction shall be consistent with the attachment titled, <i>Ground Water Discharge Permit Conditions for Synthetically Lined Lagoons – Liner Material and Site Preparation</i>, Revision 0.0, May 2007. c) Design calculations for the capacity and evaporative potential of the evaporative impoundment. The impoundment shall be designed to dispose of the permitted discharge volume by evaporation such that two feet of freeboard is preserved at all times. Seasonal discharge patterns may be considered in the design calculations. d) Fences around the evaporative impoundment and the temporary storage area to control access by animals. The fences shall consist of chain link or field fencing. <p>Prior to constructing the proposed system, the permittee shall obtain written verification from NMED that the plans and specifications meet the requirements of this Discharge Permit.</p> <p>[Subsections A and C 20.6.2.1202 NMAC, Subsection C of 20.6.2.3107 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</p>

#	Terms and Conditions
18.	<p>Prior to discharging to the vehicle/equipment grit trap waste dewatering and evaporation system, the permittee shall complete construction in accordance with the final construction plans and specifications required by this Discharge Permit. The permittee shall notify NMED at least five working days prior to commencement of construction to allow NMED personnel to be onsite for inspection. The permittee shall submit record drawings that bear the seal and signature of a licensed New Mexico professional engineer (pursuant to the New Mexico Engineering and Surveying Practice Act and the rules promulgated under that authority) for the constructed evaporative impoundment to NMED within 30 days of completion.</p> <p>[Subsections A and C of 20.6.2.1202 NMAC, Subsection C of 20.6.2.3109 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</p>
19.	<p>The permittee shall contain leachate generated from the temporary storage of vehicle/equipment grit trap waste prior to transferring the liquid to the evaporative impoundment. The separated solid portion of vehicle/equipment grit trap waste shall be temporarily stored on the impervious containment structure prior to disposal. The permittee shall dispose of the separated solid portion of the waste at a minimum when the waste has accumulated to 50% of the storage capacity of the structure. The permittee shall dispose of the separated solid portion of vehicle/equipment grit trap waste at an off-site location in a manner consistent with all local, state and federal regulations.</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>
20.	<p>The permittee shall visually inspect the impervious containment structure on a monthly basis to ensure proper containment of the vehicle/equipment grit trap waste. Any conditions that could affect the impermeability or structural integrity of the containment structure shall be corrected. Such conditions include but are not limited to erosion damage, cracks, animal activity/damage, or evidence of seepage. The permittee shall keep a log of the inspection findings and repairs made.</p> <p>[20.6.2.3107 NMAC]</p>
21.	<p>The permittee shall maintain the evaporative impoundment liner in such a manner as to avoid conditions that could affect the liner or the structural integrity of the impoundment. Such conditions include or may be characterized by the following:</p> <ul style="list-style-type: none">• erosion damage;• animal burrows or other damage;• the presence of vegetation including aquatic plants, weeds, woody shrubs or trees growing within five feet of the top inside edge of a sub-grade impoundment, within five feet of the toe of the outside berm of an above-grade impoundment, or within the impoundment itself;• the presence of large debris or large quantities of debris in the impoundment;• evidence of seepage; or

#	Terms and Conditions
	<ul style="list-style-type: none"> evidence of berm subsidence. <p>Vegetation growing around the impoundment shall be routinely controlled by mechanical removal in a manner that is protective of the impoundment liner.</p> <p>The permittee shall visually inspect the impoundment and surrounding berms on a monthly basis to ensure proper maintenance. In the event that inspection reveals any evidence of damage that threatens the structural integrity of an impoundment berm or liner, or that may result in an unauthorized discharge, the permittee shall enact the contingency plan set forth in this Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
22.	<p>The permittee shall preserve a minimum of two feet of freeboard between the liquid level in the evaporative impoundment and the elevation of the top of the impoundment liner. In the event that the permittee determines that two feet of freeboard cannot be preserved in the impoundment, the permittee shall enact the contingency plan set forth in this Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>

Hydrocarbon Landfarm

#	Terms and Conditions
23.	<p>The permittee shall not accept free product for placement on the hydrocarbon landfarm. Any soil suspected of containing free product, i.e., a hydrocarbon-based liquid not dissolved in water, shall be analyzed using EPA Method 9095, Paint Filter Liquids Test. Any soil that does not pass the test shall be rejected and returned to the waste generator.</p> <p>[NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC]</p>
24.	<p>The permittee shall not place wastes generated from oil and natural gas exploration and production activities into a cell authorized by the Discharge Permit. Such wastes are regulated under the authority of the Oil Conservation Division as described by the <i>WQCC Delegation of Responsibility to the Environmental Improvement Division and the Oil Conservation Division</i>.</p> <p>[NMSA 1978, § 74-6-4.F]</p>
25.	<p>Within 72 hours of receipt, the permittee shall land apply the hydrocarbon-contaminated soil in lifts of eight inches or less (approximately 1,000 cubic yards per acre) on a rotational basis and mix the contaminated soil by disking. Contaminated soils shall be disked at least once every 14 days until analytical results indicate that the soils are</p>

#	Terms and Conditions																																		
	<p>remediated to the standards required by this Discharge Permit. Additional soil shall not be added to a remediation cell until remediation of the existing layer is confirmed by laboratory analysis.</p> <p>[NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC]</p>																																		
26.	<p>The permittee is authorized to apply water or hydrocarbon-contaminated water to moisten soil in the remediation cells in order to enhance remediation and reduce dust. The permittee shall not apply water or hydrocarbon-contaminated water to saturated soil or in a manner which causes ponding in the soil remediation cells. The permittee shall not apply hydrocarbon contaminated water in areas outside of the remediation cells.</p> <p>[NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC]</p>																																		
27.	<p>The permittee shall remediate hydrocarbon-contaminated soil to the following standards, which are identified in <i>NMED's Risk Assessment Guidance for Investigations and Remediation (February 2019)</i> as soil screening levels for residential exposure:</p> <table border="1"> <thead> <tr> <th>Chemical Constituent</th><th>Remediation Standard (mg/kg)</th></tr> </thead> <tbody> <tr> <td>Total Petroleum Hydrocarbons (TPH)</td><td>1000</td></tr> <tr> <td>BTEX</td><td></td></tr> <tr> <td> Benzene</td><td>17.8</td></tr> <tr> <td> Toluene</td><td>5,228</td></tr> <tr> <td> Ethylbenzene</td><td>75.1</td></tr> <tr> <td> Xylenes</td><td>871</td></tr> <tr> <td>Polycyclic Aromatic Hydrocarbons (PAHs)</td><td></td></tr> <tr> <td> Naphthalene</td><td>1,160</td></tr> <tr> <td> 1-methyl naphthalene</td><td>172</td></tr> <tr> <td> 2-methyl naphthalene</td><td>232</td></tr> <tr> <td> Benzo(a)pyrene</td><td>1.12</td></tr> <tr> <td> Dibenzo(a,h)anthracene</td><td>0.15</td></tr> <tr> <td> Benzo(a)anthracene</td><td>1.53</td></tr> <tr> <td> Benzo(b)fluoranthene</td><td>1.53</td></tr> <tr> <td> Benzo(k)fluoranthene</td><td>15.3</td></tr> <tr> <td>Methyl tertiary-butyl ether (MTBE)</td><td>975</td></tr> </tbody> </table> <p>[NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC]</p>	Chemical Constituent	Remediation Standard (mg/kg)	Total Petroleum Hydrocarbons (TPH)	1000	BTEX		Benzene	17.8	Toluene	5,228	Ethylbenzene	75.1	Xylenes	871	Polycyclic Aromatic Hydrocarbons (PAHs)		Naphthalene	1,160	1-methyl naphthalene	172	2-methyl naphthalene	232	Benzo(a)pyrene	1.12	Dibenzo(a,h)anthracene	0.15	Benzo(a)anthracene	1.53	Benzo(b)fluoranthene	1.53	Benzo(k)fluoranthene	15.3	Methyl tertiary-butyl ether (MTBE)	975
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28.	<p>Accumulated solids removed from the hydrocarbon-contaminated water storage tanks shall be remediated in the landfarm in accordance with the requirements of this Discharge Permit or otherwise disposed of in accordance with all local, state and federal regulations.</p>																																		

#	Terms and Conditions
	[NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC]
29.	The permittee shall not add amendments to the contaminated soil, such as proprietary microorganisms or fertilizer, without prior written approval by NMED. [NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC]

B. MONITORING AND REPORTING

#	Terms and Conditions
30.	The permittee shall conduct the monitoring, reporting, and other requirements listed below in accordance with the monitoring requirements of this Discharge Permit. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
31.	METHODOLOGY – Unless otherwise specified by this Discharge Permit, or approved in writing by NMED, the permittee shall use sampling and analytical techniques that conform with the references listed in Subsection B of 20.6.2.3107 NMAC. [Subsection B of 20.6.2.3107 NMAC]
32.	Semi-annual monitoring shall be performed during the following periods and reports submitted to NMED as follows: <ul style="list-style-type: none"> • January 1st through June 30th – due by August 1st; and • July 1st through December 31st – due by February 1st. [Subsection A of 20.6.2.3107 NMAC]
33.	The permittee shall retain on-site a manifest for each load of waste received. The manifest shall record the following information: <ul style="list-style-type: none"> • name of the hauling company; • date of receipt; • name and address of the waste origin; • type of waste or description of contamination (differentiate between soil and water); • volume of waste; • confirmation of inspection for acceptable waste type; • signature of person conducting the inspection; and • cell identification and location within the cell where the waste is discharged.

#	Terms and Conditions
	<p>The permittee shall make the manifests available for inspection by NMED upon request. A summary listing the information from each manifest for wastes received during the reporting period shall be submitted to NMED in the semi-annual monitoring reports.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection A 20.6.2.3107 NMAC]</p>
34.	<p>The permittee shall tabulate the total volume of each type of waste received and the volume discharged to each disposal or remediation cell during the reporting period. The tabulation shall be submitted to NMED in the semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>

Monitoring and Reporting - Domestic Septage

#	Terms and Conditions
35.	<p>The permittee shall, on a monthly basis, complete a Surface Disposal Data Sheet for Septage (SDDS-Septage, attached) to document the amount of nitrogen in septage discharged to each surface disposal cell. A SDDS shall be completed for each cell and shall reflect the volume and total nitrogen concentration of waste discharged to the disposal cells for each month. To determine the amount of nitrogen in septage applied the permittee may assume a total nitrogen concentration of 600 mg/L, based on average characteristics of septage (Guide to Septage Treatment and Disposal, EPA/625/R-94-002), or may use a total nitrogen value from the laboratory analysis of a composite sample from a minimum of six waste loads using a sampling protocol approved by NMED prior to sample collection.</p> <p>Nitrogen content shall not be adjusted to account for volatilization or mineralization processes. If the total nitrogen value is derived from laboratory analysis, analytical results, including the laboratory QA/QC summary report, shall be submitted to NMED in the semi-annual monitoring reports. SDDSs or a statement that no surface disposal occurred within the specific cell shall be submitted to NMED in the semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 and Subsection H of 20.6.2.3109 NMAC]</p>

Monitoring and Reporting - Domestic Wastewater Treatment Plant Sludge

#	Terms and Conditions
36.	<p>The permittee shall analyze domestic wastewater treatment plant sludge accepted at the facility in the following manner:</p> <ul style="list-style-type: none">• Record the volume of domestic wastewater treatment facility sludge discharged to each surface disposal cell during the reporting period.

#	Terms and Conditions
	<ul style="list-style-type: none"> • Sample each domestic wastewater sludge type (solid, semi-solid, and liquid) transported to the surface disposal facility on a semi-annual basis and analyze the sample(s) for percent total solids (%TS). • Sample each domestic wastewater sludge type (solid, semi-solid, and liquid) transported to the surface disposal facility on a semi-annual basis and analyze the samples for TKN and NO₃-N. Analytical results shall be reported as mg/kg for TKN and NO₃-N (dry weight basis) <p>Samples shall be properly prepared, preserved, transported, and analyzed in accordance with the methods authorized in this Discharge Permit. Records of the volume of the sludge discharged, percent total solids, and analytical results, including the laboratory QA/QC summary, shall be submitted to NMED in the semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC and Subsection H of 20.6.2.3109]</p>
37.	<p>The permittee shall complete a Surface Disposal Data Sheet for Sludge (SDDS-Sludge, attached) on a monthly basis to document the amount of nitrogen in domestic wastewater treatment facility sludge discharged to the surface disposal cell. A SDDS shall be completed for each cell designation and for each sludge type (solid, semi-solid, and liquid) disposed of in each cell. The SDDS shall reflect the most recent nitrogen analysis results and the average percent total solids for each sludge type for each cell. Nitrogen content shall not be adjusted to account for volatilization or mineralization processes. The SDDS, or a statement that no surface disposal occurred within the cell, shall be submitted to NMED in the semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC and Subsection H of 20.6.2.3109]</p>

Monitoring and Reporting - Grease Trap/Interceptor Waste

#	Terms and Conditions
38.	<p>The permittee shall estimate the volume of the aqueous portion of grease trap/interceptor waste discharged to each designated surface disposal cell each month by tracking the volume of the loads received. A record of the volume of the grease trap waste received shall be submitted to NMED in the semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC and Subsection H of 20.6.2.3109.H]</p>
39.	<p>The permittee shall submit all records of the removal and disposal of the non-aqueous portion of grease to NMED in the semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>

#	Terms and Conditions
40.	<p>The permittee shall sample the aqueous portion of grease trap/interceptor waste following separation from the non-aqueous portion on a quarterly basis and analyze the samples for TKN, NO₃-N, and total suspended solids (TSS) using standard methods, and for fats, oil, and grease (FOG) using EPA Method 1664A. Samples of the aqueous waste stream shall be collected from the discharge of the treatment/separator system. Samples shall be properly prepared, preserved, transported, and analyzed in accordance with the methods authorized in this Discharge Permit. Analytical results, including the laboratory QA/QC summary report, reported in mg/L for TKN, NO₃-N, TSS, and FOG, shall be submitted to NMED in the semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC and Subsection H of 20.6.2.3109]</p>
41.	<p>The permittee shall, on a monthly basis, document the amount of nitrogen in the aqueous portion of the grease trap waste applied to each surface disposal cell by completing a Surface Disposal Data Sheet (SDDS-Grease, attached). A SDDS shall be completed for each cell and shall reflect the volume of aqueous grease trap waste disposed each month and the total nitrogen concentration from the most recent analysis required by Condition 40 or the average concentration from the last two analyses. The SDDS, or a statement that no surface disposal occurred within the specific cell, shall be submitted to NMED in the semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC and Subsection H of 20.6.2.3109NMAC]</p>

Monitoring and Reporting - Vehicle/Equipment Grit Trap Waste

#	Terms and Conditions
42.	<p>The permittee shall estimate the volume of liquid vehicle/equipment grit trap waste discharged to the evaporative impoundment on a monthly basis by tracking the volume of the loads received. A summary of the volume of liquid grit trap waste discharged to the lined evaporative system shall be submitted to NMED in the semi-annual monitoring reports.</p> <p>[20.6.2.3107 NMAC and Subsection H of 20.6.2.3109]</p>
43.	<p>The permittee shall submit all records of non-aqueous portion of vehicle/equipment grit trap waste removal and disposal to NMED in the semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
44.	<p>The permittee shall sample the liquid portion of vehicle/equipment grit trap waste following separation from the solid portion on an annual basis and analyze the samples for the following constituents:</p>

#	Terms and Conditions
	<ul style="list-style-type: none"> aluminum (CAS 7429-90-5) arsenic (CAS 7440-38-2) barium (CAS 7440-39-3) cadmium (CAS 7440-43-9) chromium (CAS 7440-47-3) iron (CAS 7439-89-6) lead (CAS 7439-92-1) manganese (CAS 7439-96-5) total mercury (nonfiltered) (CAS 7439-97-6) selenium (CAS 7782-49-2) silver (CAS 7440-224) benzene (CAS 71-43-2) ethylbenzene (CAS 100-41-4) methylene chloride (CAS 75-09-2) naphthalene tetrachloroethylene (PCE) (CAS 127-18-4) toluene (CAS 108-88-3) total xylenes (CAS 1330-20-7) chloride (CAS 16887-00-6) total dissolved solids pH (instantaneous) <p>Samples of the liquid portion of vehicle/equipment grit trap waste shall be collected from the evaporative impoundment. Samples shall be properly prepared, preserved, transported and analyzed in accordance with the methods authorized in this Discharge Permit. Analytical results, including the laboratory QA/QC summary report, shall be submitted to NMED in the semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection H of 20.6.2.3109 NMAC]</p>

Monitoring and Reporting - Hydrocarbon Landfarm

#	Terms and Conditions
45.	<p>Prior to adding additional eight-inch lifts, the permittee shall demonstrate that soil is remediated to the standards listed in this Discharge Permit. For every two acres of cell area, a composite soil sample consisting of four soil core samples shall be collected at a depth of 6 to 12 inches and analyzed for the following constituents using the identified methods or equivalent ASTM methodology approved by NMED:</p> <ul style="list-style-type: none"> TPH using EPA SW-846 method 8015; BTEX using EPA SW-846 methods 8021 or 8260; PAHs using EPA SW-846 methods 8270 or 8310; and MTBE using EPA SW-846 method 5035. <p>A copy of the laboratory analytical results, including the laboratory QA/QC summary report, and a map outlining the sampling locations shall be submitted to NMED in the semi-annual monitoring reports.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection A 20.6.2.3107 NMAC, Subsection H of 20.6.2.3109]</p>

C. CONTINGENCY PLAN

#	Terms and Conditions
46.	<p>In the event that a groundwater quality standard identified in Section 20.6.2.3103 NMAC is exceeded in groundwater as a result of this discharge during the term of this Discharge Permit, upon closure of the facility or during the implementation of post-closure requirements, the permittee shall submit a Corrective Action Plan to NMED that proposes, at a minimum, source control measures and an implementation schedule. The Plan shall be enacted as approved by NMED.</p> <p>The permittee may be required to abate water pollution consistent with the requirements and provisions of Section 20.6.2.4101, Section 20.6.2.4103, Subsections C and E of 20.6.2.4106, Section 20.6.2.4107, Section 20.6.2.4108 and Section 20.6.2.4112 NMAC.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]</p>
47.	<p>In the event that a SDDS for any cell shows that the amount of nitrogen applied in any 12-month period exceeds 200 pounds per acre, the permittee shall propose the reduction of nitrogen loading to the affected cell by submitting a Corrective Action Plan to NMED for approval. The Plan shall include a schedule for completion of corrective actions and shall be submitted within 90 days following the end of the monitoring period in which the exceedance occurred. The permittee shall initiate implementation of the Plan following approval by NMED.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
48.	<p>If the remediation standards for the hydrocarbon landfarm portion of the facility set forth in this Discharge Permit cannot be met within five years of ceasing to add contaminated soil to a cell, the permittee shall submit a corrective action plan to NMED within 45 days of receipt of the fifth year's analytical results.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection B and C of 20.6.2.3109 NMAC, Subsection A of 20.6.2.3107 NMAC]</p>
49.	<p>In the event that an inspection finding reveals significant damage likely to affect the structural integrity of the lined impoundment or its ability to contain contaminants, the permittee shall propose the repair or replacement of the impoundment liner by submitting a Corrective Action Plan to NMED for approval. The Plan shall be submitted to NMED within 30 days after discovery by the permittee or following notification from NMED that significant liner damage is evident. The Corrective Action Plan shall include a schedule for completion of corrective actions and the permittee shall initiate implementation of the Plan following approval by NMED.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>

#	Terms and Conditions
50.	<p>In the event that a minimum of two feet of freeboard cannot be preserved in the impoundment, the permittee shall take actions authorized by this Discharge Permit and all applicable local, state, and federal regulations to restore the required freeboard.</p> <p>In the event that two feet of freeboard cannot be restored within a period of 72 hours following discovery, the permittee shall propose actions to be immediately implemented to restore two feet of freeboard by submitting a short-term Corrective Action Plan to NMED for approval. Examples of short-term corrective actions include the pumping and hauling of excess wastewater from the impoundment or reducing the volume of wastewater discharged to the impoundment. The Plan shall include a schedule for completion of corrective actions and shall be submitted within 15 days following the date when the freeboard deficiency was initially discovered. The permittee shall initiate implementation of the Plan following approval by NMED.</p> <p>In the event that the short-term corrective actions fail to restore two feet of freeboard, the permittee shall propose permanent corrective actions in a long-term Corrective Action Plan submitted to NMED within 90 days following failure of the short-term Corrective Action Plan. Examples include the installation of an additional storage impoundment, or a significant/permanent reduction in the volume of wastewater discharged to the impoundment. The Plan shall include a schedule for completion of corrective actions and implementation of the Plan shall be initiated following approval by NMED.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
51.	<p>In the event that a release (commonly known as a “spill”) occurs that is not authorized under this Discharge Permit, the permittee shall take measures to mitigate damage from the unauthorized discharge and initiate the notifications and corrective actions required in Section 20.6.2.1203 NMAC and summarized below.</p> <p>Within <u>24 hours</u> following discovery of the unauthorized discharge, the permittee shall verbally notify NMED and provide the following information:</p> <ol style="list-style-type: none">The name, address, and telephone number of the person or persons in charge of the facility, as well as of the owner and/or operator of the facility.The name and address of the facility.The date, time, location, and duration of the unauthorized discharge.The source and cause of unauthorized discharge.A description of the unauthorized discharge, including its estimated chemical composition.The estimated volume of the unauthorized discharge.Any actions taken to mitigate immediate damage from the unauthorized discharge.

#	Terms and Conditions
	<p>Within <u>one week</u> following discovery of the unauthorized discharge, the permittee shall submit written notification to NMED with the information listed above and any pertinent updates.</p> <p>Within <u>15 days</u> following discovery of the unauthorized discharge, the permittee shall submit a corrective action report/plan to NMED describing any corrective actions taken and/or to be taken relative to the unauthorized discharge that includes the following information:</p> <ul style="list-style-type: none"> a) A description of proposed actions to mitigate damage from the unauthorized discharge. b) A description of proposed actions to prevent future unauthorized discharges of this nature. c) A schedule for completion of proposed actions. <p>In the event that the unauthorized discharge causes or may with reasonable probability cause water pollution in excess of the standards and requirements of Section 20.6.2.4103 NMAC, and the water pollution will not be abated within 180 days after notice is required to be given pursuant to Paragraph (1) of Subsection A of 20.6.2.1203 NMAC, the permittee may be required to abate water pollution pursuant to Sections 20.6.2.4000 through 20.6.2.4115 NMAC.</p> <p>Nothing in this condition shall be construed as relieving the permittee of the obligation to comply with all requirements of Section 20.6.2.1203 NMAC.</p> <p>[20.6.2.1203 NMAC]</p>
52.	<p>In the event that NMED or the permittee identifies any failures of the discharge plan or this Discharge Permit not specifically noted herein, NMED may require the permittee to submit a Corrective Action Plan and a schedule for completion of corrective actions to address the failure(s). Additionally, NMED may require a Discharge Permit modification to achieve compliance with 20.6.2 NMAC.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]</p>

D. CLOSURE PLAN

#	Terms and Conditions
53.	<p>In the event the septage, sludge, or grease interceptor waste disposal portion of the facility or a surface disposal cell is proposed to be permanently closed, the permittee shall complete the following closure measures:</p> <ul style="list-style-type: none"> a) Notify NMED of any waste types no longer being accepted at the facility or the closure of a surface disposal cell.

#	Terms and Conditions
	<p>b) Within 60 days of ceasing to discharge to a disposal cell, backfill the disposal cell(s) with clean fill (as necessary) and re-grade to allow for positive storm water drainage.</p> <p>c) Within 90 days of ceasing to receive grease interceptor waste at the facility, remove all liquid from the aqueous/non-aqueous separation equipment and properly dispose of it in accordance with this Discharge Permit. Remove tanks and piping from the applicable portion of the facility and re-grade the area to match the surrounding topography and promote positive drainage.</p> <p>d) Re-vegetate the cells and disturbed areas at the facility by establishing a vegetative cover equal to 70% of the native perennial vegetative cover consisting of at least three native plant species including at least one grass, but not including noxious weeds. The permittee shall maintain the vegetative cover through two consecutive growing seasons.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
54.	<p>In the event the vehicle/equipment grit trap waste portion of the facility permanently closes, the permittee shall perform the following closure measures:</p> <p>a) Notify NMED that vehicle/equipment grit trap waste will no longer be accepted at the facility.</p> <p>b) Within 60 days of ceasing to receive vehicle/equipment grit trap waste at the facility, dispose of all non-aqueous grit trap waste from the impervious containment structure at an off-site location in a manner consistent with all local, state and federal regulations.</p> <p>c) Within 180 days of ceasing to receive vehicle/equipment grit trap waste at the facility, evaporate liquids from the evaporative impoundment and containment structure. The non-aqueous portion of grit trap waste shall be removed from the evaporative impoundment and disposed of off-site in accordance with all local, state and federal regulations.</p> <p>d) Perforate or remove impoundment liner.</p> <p>e) Fill the impoundment with suitable fill.</p> <p>f) Re-grade the impoundment site to blend with surface topography, and promote positive drainage, and prevent ponding.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
55.	<p>In the event that the hydrocarbon landfarm portion of the facility permanently closes, the permittee shall perform the following closure measures:</p> <p>a) Notify NMED that hydrocarbon contaminated soil and water will no longer be accepted.</p> <p>b) Submit a schedule for closure actions.</p> <p>c) Empty and remove the evaporation tanks from the facility. Hydrocarbon-contaminated water shall be evaporated from the tanks or distributed on the disposal cells as authorized by this Discharge Permit. Solids shall be removed from the tanks and remediated in the landfarm in accordance with the requirements of this Discharge</p>

#	Terms and Conditions																		
	<p>Permit or otherwise disposed of in accordance with all local, state and federal regulations.</p> <p>d) Demonstrate that all soils in the remediation cells, and the soils in the berms do not exceed the residential soil screening levels in <i>NMED's Risk Assessment Guidance for Investigations and Remediation</i> (February 2019) for the following metals:</p> <table border="1" data-bbox="443 527 1279 871"> <thead> <tr> <th>Inorganic Constituents</th><th>Levels (mg/kg)</th></tr> </thead> <tbody> <tr> <td>Arsenic</td><td>7.1</td></tr> <tr> <td>Barium</td><td>15,558</td></tr> <tr> <td>Cadmium</td><td>85,881</td></tr> <tr> <td>Chromium III</td><td>117,321</td></tr> <tr> <td>Lead (tetraethyl-)</td><td>0.006</td></tr> <tr> <td>Mercury (elemental)</td><td>23.8</td></tr> <tr> <td>Selenium</td><td>391</td></tr> <tr> <td>Silver</td><td>391</td></tr> </tbody> </table> <p>The permittee shall use the sampling protocol described in Condition 45 for the remediation cells, and a representative protocol for the berms. A copy of the laboratory analytical results and a map outlining the sampling locations shall be submitted to NMED. If the soil exceeds an inorganic constituent screening level the permittee shall propose a corrective action for NMED's approval.</p> <p>e) Continue operating and monitoring until all soils are remediated to the organic constituent standards required by this Discharge Permit.</p> <p>f) Upon determination by NMED that remediation of all soils is complete, backfill the cells with clean fill (as necessary) and re-grade to allow for positive stormwater drainage. The permittee shall re-vegetate the cells at the facility by establishing a vegetation cover equal to 70% of the native perennial vegetative cover consisting of at least three native plant species including at least one grass, but not including noxious weeds. The permittee shall maintain the vegetative cover through two consecutive growing seasons.</p> <p>[NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC, Subsection A 20.6.2.3107 NMAC]</p>	Inorganic Constituents	Levels (mg/kg)	Arsenic	7.1	Barium	15,558	Cadmium	85,881	Chromium III	117,321	Lead (tetraethyl-)	0.006	Mercury (elemental)	23.8	Selenium	391	Silver	391
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56.	<p>Following final grading and re-seeding of the facility, the permittee shall maintain the perimeter fencing and security gate for a minimum of three years to prevent unauthorized access.</p> <p>[Subsection A 20.6.2.3107 NMAC]</p>																		
57.	<p>When all closure and post-closure requirements have been met, the permittee may submit a written request for termination of the Discharge Permit to NMED.</p>																		

#	Terms and Conditions
	[Subsection A 20.6.2.3107 NMAC]

E. GENERAL TERMS AND CONDITIONS

#	Terms and Conditions
58.	<p>RECORD KEEPING - The permittee shall maintain a written record of:</p> <ul style="list-style-type: none">• information and data used to complete the application for this Discharge Permit;• any releases (commonly known as “spills”) not authorized under this Discharge Permit and reports submitted pursuant to 20.6.2.1203 NMAC;• the operation, maintenance, and repair of all facilities/equipment used to treat, store or dispose of wastewater;• facility record drawings (plans and specifications) showing the actual construction of the facility and bear the seal and signature of a licensed New Mexico professional engineer;• copies of monitoring reports completed and/or submitted to NMED pursuant to this Discharge Permit;• the volume of wastewater or other wastes discharged pursuant to this Discharge Permit;• groundwater quality and wastewater quality data collected pursuant to this Discharge Permit;• the maintenance, repair, replacement or calibration of any monitoring equipment or flow measurement devices required by this Discharge Permit; and• data and information related to field measurements, sampling, and analysis conducted pursuant to this Discharge Permit, including:<ul style="list-style-type: none">○ the dates, location and times of sampling or field measurements;○ the name and job title of the individuals who performed each sample collection or field measurement;○ the sample analysis date of each sample○ the name and address of the laboratory, and the name of the signatory authority for the laboratory analysis;○ the analytical technique or method used to analyze each sample or collect each field measurement;○ the results of each analysis or field measurement, including raw data;○ the results of any split, spiked, duplicate or repeat sample; and○ a copy of the laboratory analysis chain-of-custody as well as a description of the quality assurance and quality control procedures used. <p>The written record shall be maintained by the permittee at a location accessible during a facility inspection by NMED until closure of the facility and shall be made available to the department upon request.</p>

#	Terms and Conditions
	[Subsections A and D of 20.6.2.3107 NMAC]
59.	<p>INSPECTION and ENTRY – The permittee shall allow inspection by NMED of the facility and its operations that are subject to this Discharge Permit and the WQCC regulations. NMED may upon presentation of proper credentials, enter at reasonable times upon or through any premises in which a water contaminant source is located or in which are located any records required to be maintained by regulations of the federal government or the WQCC.</p> <p>The permittee shall allow NMED to have access to and reproduce for their use any copy of the records, and to perform assessments, sampling or monitoring during an inspection for the purpose of evaluating compliance with this Discharge Permit and the WQCC regulations.</p> <p>Nothing in this Discharge Permit shall be construed as limiting in any way the inspection and entry authority of NMED under the WQA, the WQCC Regulations, or any other local, state or federal regulations.</p> <p>[Subsection D of 20.6.2.3107 NMAC, NMSA 1978, §§ 74-6-9.B and 74-6-9.E]</p>
60.	<p>DUTY to PROVIDE INFORMATION - The permittee shall, upon NMED's request, allow for NMED's inspection/duplication of records required by this Discharge Permit and/or furnish to NMED copies of such records.</p> <p>[Subsection D of 20.6.2.3107 NMAC]</p>
61.	<p>MODIFICATIONS and/or AMENDMENTS – In the event the permittee proposes a change to the facility or the facility's discharge that would result in a change in the volume discharged; the location of the discharge; or in the amount or character of water contaminants received, treated or discharged by the facility, the permittee shall notify NMED prior to implementing such changes. The permittee shall obtain approval (which may require modification of this Discharge Permit) by NMED prior to implementing such changes.</p> <p>[Subsection C of 20.6.2.3107 NMAC, Subsections E and G of 20.6.2.3109 NMAC]</p>
62.	<p>PLANS and SPECIFICATIONS – In the event the permittee is proposing to construct a wastewater system or change a process unit of an existing system such that the quantity or quality of the discharge will change substantially from that authorized by this Discharge Permit, the permittee shall submit construction plans and specifications to NMED for the proposed system or process unit prior to the commencement of construction.</p> <p>In the event the permittee implements changes to the wastewater system authorized by this Discharge Permit that result in only a minor effect on the character of the discharge, the</p>

#	Terms and Conditions
	<p>permittee shall report such changes (including the submission of record drawings, where applicable) as of January 1 and June 30 of each year to NMED.</p> <p>[Subsections A and C of 20.6.2.1202 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</p>
63.	<p>CIVIL PENALTIES - Any violation of the requirements and conditions of this Discharge Permit, including any failure to allow NMED staff to enter and inspect records or facilities, or any refusal or failure to provide NMED with records or information, may subject the permittee to a civil enforcement action. Pursuant to WQA 74-6-10(A) and (B), such action may include a compliance order requiring compliance immediately or in a specified time, assessing a civil penalty, modifying or terminating the Discharge Permit, or any combination of the foregoing; or an action in district court seeking injunctive relief, civil penalties, or both. Pursuant to WQA 74-6-10(C) and 74-6-10.1, civil penalties of up to \$15,000 per day of noncompliance may be assessed for each violation of the WQA 74-6-5, the WQCC Regulations, or this Discharge Permit, and civil penalties of up to \$10,000 per day of noncompliance may be assessed for each violation of any other provision of the WQA, or any regulation, standard, or order adopted pursuant to such other provision. In any action to enforce this Discharge Permit, the permittee waives any objection to the admissibility as evidence of any data generated pursuant to this Discharge Permit.</p> <p>[20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10 and 74-6-10.1]</p>
64.	<p>CRIMINAL PENALTIES – No person shall:</p> <ul style="list-style-type: none"> • make any false material statement, representation, certification or omission of material fact in an application, record, report, plan or other document filed, submitted or required to be maintained under the WQA; • falsify, tamper with or render inaccurate any monitoring device, method or record required to be maintained under the WQA; or • fail to monitor, sample or report as required by a permit issued pursuant to a state or federal law or regulation. <p>Any person who knowingly violates or knowingly causes or allows another person to violate the requirements of this condition is guilty of a fourth-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who is convicted of a second or subsequent violation of the requirements of this condition is guilty of a third-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition or knowingly causes another person to violate the requirements of this condition and thereby causes a substantial adverse environmental impact is guilty of a third-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition and knows at the time of the violation that he is creating a substantial danger of death or serious bodily injury to any other person is guilty of a second-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15.</p>

#	Terms and Conditions
	[20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10.2.A through 74-6-10.2.F]
65.	<p>COMPLIANCE with OTHER LAWS - Nothing in this Discharge Permit shall be construed in any way as relieving the permittee of the obligation to comply with any other applicable federal, state, and/or local laws, regulations, zoning requirements, nuisance ordinances, permits or orders.</p> <p>[NMSA 1978, § 74-6-5.L]</p>
66.	<p>RIGHT to APPEAL - The permittee may file a petition for review before the WQCC on this Discharge Permit. Such petition shall be in writing to the WQCC within thirty days of the receipt of postal notice of this Discharge Permit and shall include a statement of the issues to be raised and the relief sought. Unless a timely petition for review is made, the decision of NMED shall be final and not subject to judicial review.</p> <p>[20.6.2.3112 NMAC, NMSA 1978, § 74-6-5.O]</p>
67.	<p>TRANSFER of DISCHARGE PERMIT - Prior to the transfer of any ownership, control, or possession of this facility or any portion thereof, the permittee shall:</p> <ul style="list-style-type: none"> • notify the proposed transferee in writing of the existence of this Discharge Permit; • include a copy of this Discharge Permit with the notice; and • deliver or send by certified mail to NMED a copy of the notification and proof that such notification has been received by the proposed transferee. <p>Until both ownership and possession of the facility have been transferred to the transferee, the permittee shall continue to be responsible for any discharge from the facility.</p> <p>[20.6.2.3111 NMAC]</p>
68.	<p>PERMIT FEES - Payment of permit fees is due at the time of Discharge Permit approval. Permit fees shall be paid in a single payment or shall be paid in equal installments on a yearly basis over the term of the Discharge Permit. Single payments shall be remitted to NMED no later than 30 days after the Discharge Permit effective date. Initial installment payments shall be remitted to NMED no later than 30 days after the Discharge Permit effective date; subsequent installment payments shall be remitted to NMED no later than the anniversary of the Discharge Permit effective date.</p> <p>Permit fees are associated with <u>issuance</u> of this Discharge Permit. Nothing in this Discharge Permit shall be construed as relieving the permittee of the obligation to pay all permit fees assessed by NMED. A permittee that ceases discharging or does not commence discharging from the facility during the term of the Discharge Permit shall pay all permit fees assessed by NMED. An approved Discharge Permit shall be suspended or terminated if the facility fails to remit an installment payment by its due date.</p>

#	Terms and Conditions
	[Subsection F of 20.6.2.3114 NMAC, NMSA 1978, § 74-6-5.K]

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